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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8229  
Keith A. Miesel  
Serial No.: 10/825,953  
Filed: April 15, 2004 Customer No.: 28863  
Examiner: Brian T. Gedeon  
Group Art Unit: 3762 Docket No.: 1023-363US01  
Title: CONTROLLING THERAPY BASED ON SLEEP QUALITY

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on August 1, 2006.

By: Shirley A. Betlach  
Name: Shirley A. Betlach

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendments  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This Information Disclosure Statement is being filed after a first Office Action on the merits but before a Notice of Allowance or a Final Rejection.

Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Our check in the amount of \$180.00 is enclosed to cover the required fee set forth in §1.17(p) for a large entity. Please apply any other charges or credits to Deposit Account No. 50-1778.

08/08/2006 MGE BREH1 00000024 10825953

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Respectfully submitted,

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Form 1449\*

INFORMATION DISCLOSURE  
STATEMENT

## IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

1023-363US01

Application Number:

10/825,953

Applicant:

Kenneth T. Heruth; Keith A. Miesel

Filing Date:

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Group Art Unit:

3762

Examiner Name:

Brian T. Gedeon

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
	4,297,685	10/27/1981	Brainard, II	
	5,895,371	04/20/1999	Levitas et al.	
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	6,878,121 B2	04/12/2005	Krausman et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No

## OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)


EXAMINER

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Based on Form PTO-FB-A820  
(Also form PTO-1449)

Patent and Trademark Office, U.S. Department of Commerce